

REMARKS

I. Procedural Status

In response to an office action mailed September 2, 2010, the present submission is made including amendments to independent claim 49, the only pending independent claim, and also dependent claims 56, 57 and 64. For reasons stated herein, it is believed that all claims are in condition for allowance, and a notice to this effect is requested.

II. Request for Extension of Time

It is noted that a three-month extension of time is necessary, in order to provide for timeliness of the present response. A request for such an extension is made.

III. §112 Rejection

The Examiner rejected the claims under §112 second paragraph as indefinite for use of the term “racetrack shape.” While it is believed that the term “racetrack shape” is adequately defined in the specification for the term to be acceptable under §112, the “racetrack” term has been removed from the current claims. In independent claim 49 the term is replaced with the definition found in the specification at page 13, lines 26-28, stating that the shape has two generally parallel sides joined at their ends by curved portions.

It is also noted that the “racetrack” term has been deleted from any use in the claims.

It is believed as a result of the amendments, the §112 rejection has been addressed, and the claims are now in appropriate order for examination without §112 rejections.

IV. The Currently Pending Claims and the Art Rejection

It is noted, with appreciation, that the Examiner indicated claim 60 defined allowable subject matter over the art. However, the remaining claims were rejected.

The rejections are based primarily on Gillingham et al. WO 97/40917. The Examiner’s focus is on language that appears in the WO 97/40917 reference beginning on page 9, lines 24-31. It is noted that WO 97/40917 is a publication of Donaldson Company Inc., the Assignee of the

present application. At the time of that reference, the general practice at Donaldson when the effort was to make a non-circular cartridge out of similar media, was to coil the media around a piece having a similar shape to the intended part. With certain configurations, for example, circular, it was also possible to coil the media around itself and then fill in the center.

As shown in the WO 97/40917 reference, it was sometimes desirable to place a preformed plastic structure around the outside of the media pack, see for example the unit depicted in Fig. 18. When this was the case, if the coil did not have exactly the right outer perimeter shape to fit the plastic piece, it was useful to push on portions of the outer perimeter of the media pack to adjust the shape slightly, to fit the aperture in the plastic preform intended. Such minor modifications in the outer perimeter of the coil, was understood at the time, and was meant the discussion in WO 97/40917 at page 13, lines 26-28. More was not taught or suggested by the Gillingham et al WO 97/40917 reference, with respect to reshaping.

Turning now to the current independent claim 49, it has been modified to address, with more specificity, the type of construction of primary interest here. First, it is clear that what is intended is a relatively large media pack (outer perimeter of at least 60 cm) which is also relatively thick (at least 10 coils). Further, it is coiled into a circular shape and then modified to a perimeter shape with two opposite straight sides, opposite curved ends, and a center strip that is at least 12 cm long. This means that: (a) a relatively large hollow interior space is made within the particular coil; and, (b) a substantial distortion in shape is made, to lead to the at least 12 cm long center strip. There is no teaching or suggestion within Gillingham et al WO 97/40917 reference of conducting such a method, to achieve a construction. Such a large open internal volume, and such a substantial distortion of the media pack, is not in any way suggested by the cited references or necessitated by the types of adjustments the WO 97/40917 reference needs to accomplish the constructions described and/or shown therein. There is no implication that a person of skill would have known or understood to create such a large open coil and then distort the coil to accomplish the effect intended by the current practice.

Therefore, it is believed that the claims, at least as currently specifically defined, readily distinguish the art of record and a notice to this effect is requested.

With respect to the language of the amendments to claim 49, attention is directed to the specification at page 18, lines 8-11 (outside perimeter at least 60 cm, winding at least 10 times around); and, at page 23, lines 11-12 (inner strip at least 12 cm long).

By the amendments, Applicants' do not wish to be interpreted as agreeing with the rejections. Rather, the amendments clarify and identify allowable subject matter in spite of the past disagreements.

It is noted that in addition to amendments made in claim 49, to provide with specificity the limitations discussed above, claims 56, 57 and 64 have amended to manage antecedent basis issues, and to avoid the term "racetrack shape."

V. Summary

In sum, each of claims 49-67 has been amended at least through amendment to independent claim 49, the only independent claim pending. Each of claims 49-67 is believed allowable, for the reasons stated. The Examiner is invited to contact Applicants' Representatives at the below listed telephone, if it is believed that prosecution may be assisted thereby.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 336-4707

Dated: March 2, 2011

Signed: /Randall A. Hillson/
Randall A. Hillson
Reg. No. 31,838
RAH/jer

23552

PATENT TRADEMARK OFFICE